

Appl. No. 10/783,092
Amendment and Reply to Office Action of November 11, 2007

Attorney Docket No. 13601-041

REMARKS

STATUS OF THE CLAIMS

Claims 1 and 3 – 13 were pending in the application. Claims 5 and 6 have been canceled in this amendment. Claims 1, 7, and 9 – 11 have been amended. New claims 14 – 21 have been added. Claims 1, 3, 4, and 7 – 21 will be pending in the application once the instant amendment is entered.

Amended claim 1 incorporates the limitations of now-canceled claim 6. Claims 7 and 9 – 11 have been amended to change the dependencies to amended claim 1. Therefore, no new matter is submitted.

New claims 14 – 21 provide a daily dosage limitation to the claims. Support for the daily dosage limitation is found in the specification at paragraphs [0024] and [0037]. Therefore, no new matter is submitted.

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

REJECTION OF CLAIMS 1 AND 3 – 5 UNDER 35 U.S.C. §103(a)

Claims 1 and 3 – 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Marttunen et al., Calcified Tissue International, 65:365-368 (1999) taken with Kangas, Cancer Chemotherapy and Pharmacology, 27:8 – 12 (1990). Without acquiescing to the rejection, applicants point out that with the amendment to claim 1 incorporating the limitations of claim 6, this rejection is deemed to be moot. Applicants reserve the right to prosecute the invention as originally presented in a continuing application.

REJECTION OF CLAIM 1 FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

Claim 1 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 9 of U.S. Patent Application No. 11/183,185. Without acquiescing to the rejection, applicants point out that with the amendment to claim 1 incorporating the limitations of claim 6, this rejection is deemed to be moot. Applicants reserve the right to prosecute the invention as originally presented in a continuing application.

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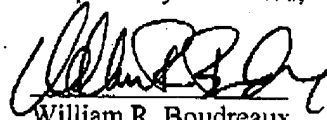
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Applicants thank the Examiner for her consideration of this case and submit that the case is in condition for immediate allowance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-302-6042.

Respectfully submitted,

Dated: February 18, 2008

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